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*Deep Creek*

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July 20, 1964

55 EAST MAIN  
TELEPHONE 789-1664

Mr. Wayne D. Criddle  
State Engineer  
State Capitol Building  
Salt Lake City, Utah

Dear Sir:

I am writing you at the request of the water users of Upper Deep Creek, Merrill Meacham, Lyle Taylor, C. R. Taylor, Quince Johnson, Chloe Johnson, Orson Johnson, Eldon Johnson, and Floyd Perry, concerning statements which they recently received from your office for services of a water commissioner on the Deep Creek system.

With the Bill was a letter addressed to "All water users of the Deep Creek system." This office represents the water users of Deep Creek, known as the Upper Users. Your letter states "We were requested by the Court to work out such a distribution plan with you." You have heretofore been advised that the Upper Users of Deep Creek are not before the Court and haven't been since the waters of Upper Deep Creek were adjudicated to them and their predecessors in interest. There has been no controversy among the Upper Users or between them and the Lower Users. This has previously been explained to you.

You have heretofore been advised that the Upper Users have worked out an expensive distribution system wherein a Commissioner is not needed. There is no difficulty among the Upper Users. They are administering their water in accordance with the Court Decree (the first one in Uintah County) dated July 28, 1892 as modified on September 30, 1919. As stated above they are not involved in the controversy with the other water users on Deep Creek and do not want to be involved.

In a recent communication you advised this office that "If the Lower Users do not feel that distribution is necessary, certainly we would not want to insist that the Upper Users be regulated". . . "with concurrence of the Lower Users we will delay distribution on the Upper Section until problems arise on it." Following receipt of this letter all Lower Users were contacted and they all agreed that the Upper Users should not be included in the distribution plan for 1964. The last to agree, Mr. Ollie W. Justice, did so at a public meeting in the presence of Mr. Robert Guy of your office and so far as any of the Upper Users are concerned this situation has not changed.

Under the circumstances involved in this case the Upper Users do not feel responsible for any part of the expense connected with the distribution of the waters of Deep Creek. They respectfully urge that the charges against them be set aside. So far as they know the commissioner has done nothing in connection with the distribution of their water this year and they request that he do nothing, since there is nothing for him to do.

Mr. Wayne D. Criddle

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With reference to the statement that your office was requested by the Court to work out a distribution plan, they have not been before the Court, so far as this office can determine they are not before the Court, and, of course, they do not want to be before the Court. The Decree has adjudicated the water among them and has not been covered since it was obtained.

This information was conveyed to your office by letters from this office on May 29 and March 13, 1964, September 11, 1961 and in a hearing on July 31, 1957. For these reasons we feel that none of the Upper Users of the waters of Deep Creek should be charged with any expense for 1964, or other times.

Very truly yours,

COLTON & HAMMOND

*Hugh W. Colton*

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HWC/mh

